

MINUTES  
FOR THE MEETING OF THE  
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: July 18, 2001  
TIME: 9:00 am  
PLACE: DLNR Board Room  
Kalanimoku Bldg.

Chairperson Gilbert S. Coloma-Agaran called the meeting of the Commission on Water Resource Management to order at 9:11 a.m.

The following were in attendance:

**MEMBERS:** Mr. Gilbert S. Coloma-Agaran, Mr. Robert Giraldo, Mr. Brian Nishida, Mr. David Nobriga, Mr. Herbert Richards, Jr.

**STAFF:** Linnel Nishioka, Lenore Nakama, Ed Sakoda, Eric Hirano, Dean Nakano, Ryan Imata, Glenn Bauer, David Higa, Dean Uyeno

**EXCUSED:** Dr. Bruce Anderson

**COUNSEL:** Yvonne Izu

**OTHERS:** Steve Bowles, Erwin Kawata, George Hiu, Cliff Jamile, Manabu Tagomori, Tom Nance, Donna Kiyosaki, Barry Usagawa, Ardythe Harms

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. The items were not taken in the order posted on the agenda.

**1. Minutes of the June 20, 2001 meeting**

MOTION: (RICHARDS/NOBRIGA)  
To approve the minutes.  
UNANIMOUSLY APPROVED.

**2. Old Business/Announcements by Deputy Director Linnel Nishioka**

The meeting in Portland, Oregon in June emphasized that drought is a bad problem across the West. Hawaii has the longest and the most persistent drought over the last 4 to 5 years. Legislation for a National Drought Council will be underway.

On May 16, 2001, the Commission approved a funding committee for the Waiahole Ditch Contested Case to determine a reasonable amount to assess the users to pay for studies and

other work that needs to be done to comply with the Waiahole Decision and Order. This committee is comprised of Peter Adler and Richard Cox. The first meeting is scheduled for Friday, July 27 at 2:00 pm in the DAGs Conference Room, 3<sup>rd</sup> floor.

Items 8 and 9 on the agenda are being withdrawn. Some late breaking developments from Hamakua Energy Partners (HEP) have occurred and staff will need to redo the submittals and bring it to the Commission possibly at the next meeting in August.

Chairperson Coloma-Agaran made note that Item 9 states that work was performed without a permit even after (HEP) knew that there was a problem. He is concerned about staff's recommendation on the daily fines and would like more information on Item 9 of staff submittal.

### **3. Update of Board of Water Supply Recycled Water Program**

Mr. Erwin Kawata of the Honolulu Board of Water Supply (BWS) talked about the distribution system of their recycled water program. He also talked about the status of the R1 and R0 users. As part of customer support, 2 staff members of BWS have been assigned as recycle system managers to provide support to the R users. BWS has complied with the Department of Health (DOH) guidelines, irrigation use reports, the requirements for signage, training and monitoring. Most of the stations are in place and completed at many locations.

### **6. Ardythe Harms, Application For Well Construction & Pump Installation Permits, Vacationland #1a through 4a Wells (Well No. 2979-06, -07, -08, -09), TMK Various, Hawaii**

PRESENTATION OF SUBMITTAL: Mr. Ryan Imata

AMENDED RECOMMENDATIONS:

#### **Alternate Recommendation 1:**

That the Commission:

- A. Approve the issuance of a well construction permit for Vacationland 1a through 4a Wells (Well No. 2979-06, -07, -08, -09), subject to the standard conditions in Exhibit 5, and the following special conditions:
  - 1. The applicant shall have a water quality test for each well conducted and the results assessed to determine if the water quality meets drinking water standards. The results of this test shall be submitted to the Department of Health's Safe Drinking Water Branch, and a letter of concurrence from the Department of Health shall be submitted to the Commission prior to using the well for consumptive purposes. If the water quality is deemed by the Department of Health to not meet drinking water standards, pumpage shall cease immediately and the applicant shall file an application to seal the wells. The wells should then be sealed within ninety (90) days.

2. If potable water is used to supply both domestic and irrigation purposes in a single system, the permittee shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water.
- B. Authorize the Chairperson to approve and issue a pump installation permit supported by information provided from aquifer pumping test results, required in Well Construction Standard Condition 6e (Exhibit 5), subject to the Standard Pump Installation Conditions in Exhibit 7.

**Alternate Recommendation 2:**

That the Commission deny without prejudice the issuance of well construction and pump installation permits for Vacationland #1a through 4a Wells (Well No. 2979-06, -07, -08, -09).

Mr. Imata made note that the Well Construction and Pump Installation Standards states that wells should be located at a minimum distance of 1000 feet from a cesspool or septic systems. In this case they are septic systems.

Comments were received from the Wastewater Branch of the DOH. The Safe Drinking Water Branch is holding comments because of conflicting statements. They have expressed concern about the proximity of the wells to the septic systems.

Commissioner Richards stated his concern about the need of an appeal procedure for not only Mrs. Harms' case but also in future penalty cases that may be brought forth to the Commission. He asked if the Commission could reconsider the fine that was levied on Mrs. Harms at the May Commission meeting. Lastly, the Commission needs to look into the current matter on the lack of a permit for the wells in question.

Commissioner Richards made a motion to reduce the \$5,672 fine that was imposed to Mrs. Harms at the May 16, 2001 Commission meeting to \$800.

Commissioner Girald stated that the fine was not an issue to reconsider and not an agenda item at this current meeting.

Deputy Attorney General Izu stated that the reconsideration to reduce the fine needed to be noticed; it could not be taken up at the meeting.

Commissioner Richards then withdrew his motion and stated that he would like the reconsideration to be noticed at the next Commission meeting.

## TESTIMONY BY APPLICANT:

Mrs. Harms stated that according to the Hawaii County Department of Water Supply (DWS), she would need 2 hookups per unit and a total of 16 units that require water. She stated that the units are located approximately 100 feet from where the County system terminates at the entrance to Vacationland. Mrs. Harms stated that DWS informed her that only 50 hookups were allowable to the Association meter, and that the association meter was filled to the maximum. At the present, Mrs. Harms stated that she has a temporary hookup of 10 lines with DWS.

## MOTION: (RICHARDS/NOBRIGA)

To approve the submittal as amended in Alternate Recommendation #1.

UNANIMOUSLY APPROVED AS AMENDED.

**4. Extension Of Interim Water Use Permits, Puuloa and Kapolei Ground Water Management Areas, Oahu**

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

## AMENDED RECOMMENDATIONS:

That the Commission:

1. Extend the interim permits shown in Exhibit 4, subject to the Standard Conditions of a Water Use Permit (Attachment A) and the following Special Conditions (which replace the former special conditions):
  - a. Should an alternate permanent source of water be found, the Commission reserves the right to revoke the permit, after a hearing.
  - b. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
  - c. Pumping shall cease immediately if the chloride reports show that the brackish water developed in the well exceeds 1,000 mg/l of chloride, unless a variance from the chloride limit has been granted.
  - d. The duration of the interim permit shall be
    - a) to July 1, 2006, or
    - b) until treated wastewater is available and acceptable for use, or
    - c) until such time that a significant change in permitted, actual, or projected uses or water supply occurs.

- e. Action on any interim permit may be initiated by the Commission or any permittee upon letter request or pursuant to §174C-57 Haw. Rev. Stat. (Modification of permit terms).
  - f. This permit is approved under the assumption that wastewater will become available for reuse as an alternative supply source.
  - g. Require adherence to the chloride sampling protocol shown in Exhibit 8 and the submittal of weekly chloride data. The authority to approve variances from the weekly reporting requirements is delegated to the Chairperson.
  - h. Require adherence to the Conservation Conditions shown in Exhibit 9.
  - i. In the event a water shortage is declared by the Commission, permittees in the Puuloa Aquifer System shall comply with the Puuloa Water Shortage Plan adopted by the Commission.
- 2. Grant variances from the 1,000 mg/l chloride limit to Hawaii Prince Golf Club (Well Nos. 1900-02, 1900-17 to 20, 1901-03), Pacific Tsunami Warning Center (Well No. 1900-23), and The Estate of James Campbell (Well Nos. 1905-08,10). The variances shall expire six (6) months after the first date of reclaimed water service delivery.
  - 3. Delegate the authority to the Chairperson to approve future variance requests.
  - 4. The permittees shall be notified by letter of the Commission action and extended permit duration. Re-issuance of new interim water use permits for these extended permits is unnecessary.
  - 5. Suspend the four-year period of nonuse for the Hawaii Prince Golf Club, Coral Creek Golf Course and ~~Barbers Point~~ Kapolei Golf Course, beginning from the first date of reclaimed water service delivery under their agreement with the Board of Water Supply. The suspension will be for the duration of these interim permits or until the agreement with Honolulu Board of Water Supply for reclaimed water service delivery ends whichever comes first. This condition shall apply to any other interim permittee that converts to reclaimed water service.

TESTIMONY BY APPLICANT:

Ms. Terry Kondo of Watanabe Ing & Kawashima representing Hawaii Prince Golf Course expressed concerns on staff recommendations #2, and 1g.

Mr. Tom Nance stated that when the golf course switches over to the effluent, the wells will not be run weekly. They will be run on occasion to keep them viable for use when effluent is not available. They will not be used on a weekly basis so providing a weekly data will become difficult. In the case of Hawaii Prince, samples that were obtained at one-half to

one-hour intervals were misleading. An internal sample protocol was developed so that all wells have to be run continuously for 24 hours before samples can be obtained. For that reason, Mr. Nance asked if condition 1 g could be modified that reporting be done on a monthly basis. He stated that trends are better noticed on a monthly data report.

Ms. Nakama stated that an administrative waiver was granted for Kapolei Golf Course because the long-term data was so stable. No significant movements were indicated in the water levels. Hawaii Prince and Coral Creek could request an administrative waiver from the weekly chloride-sampling requirement from the Chairperson.

Mr. Glenn Bauer stated that records showed that there were no major differences for Hawaii Prince's chlorides in the weekly and monthly data. He felt that monthly data reporting would be sufficient.

MOTION: (NOBRIGA/GIRALD)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

**5. County of Hawaii, Department of Public Works, Application for a Stream Channel Alteration Permit (SCAP-HA-325), Install Three Concrete Culverts and Replace Bridge Structures, Waiakea Stream, Hilo, Hawaii (TMK 2-4-01:007, 010, 122)**

PRESENTATION OF SUBMITTAL: Mr. Edwin Sakoda

RECOMMENDATION:

That the Commission:

Approve a stream channel alteration permit for the construction of culverts at Puainako Street and bridge modifications at Komohana Street, Waiakea Stream, Hilo, Hawaii (TMK: 2-4-01:007, 010, 122). The permit shall be valid for two years subject to the standard stream channel alteration permit conditions in Exhibit 5.

MOTION: (NOBRIGA/RICHARDS)

To approve the submittal.

UNANIMOUSLY APPROVED.

**7. West Hawaii Water Company, Application For Variance To Well Construction Standards, Parker Well #1 (Well No. 5548-01), Well Construction: 10-inch Casing Diameter, 849-ft Deep Well, Pump Installation: 600 gpm for Irrigation Use, TMK 6-8-1: 48, Waikoloa, Hawaii**

PRESENTATION OF SUBMITTAL: Mr. Ryan Imata

## AMENDED RECOMMENDATIONS:

That the Commission:

- A. Approve the issuance of a well construction permit for Parker Well #1 (Well No. 5548-01), subject to the standard conditions in Exhibit 3, and the following special conditions:
  - 1. The well should not be used for drinking water unless it is properly tested and treated.
  - 2. If potable water is used to supply both domestic and irrigation purposes in a single system, the permittee shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water.
- B. ~~Deny~~ Grant the applicant's request for a variance of grouting requirements.
- C. Authorize the Chairperson to approve and issue a pump installation permit supported by information provided from aquifer pumping test results, required in Well Construction Standard Condition 6e (Exhibit 3), subject to the Standard Pump Installation Conditions in Exhibit 4.

## TESTIMONIES:

Mr. Steve Bowles representing Waikoloa Village Association, which is the user of the well, stated that the owner of the well and land, West Hawaii Water Company has no potable uses and never had. The mauka and general areas are all sewers and there are no single family dwellings in the immediate area. The odds of human contamination is minimal if not impossible.

Mr. Bowles stated that if they had to grout the well, the grout would go down the bore in the open portion of the aquifer and plug it up. This would be avoidable if variance of grouting requirements be granted. The risk of reconstructing is too high and there would be a high probability of failure. If it is impossible to reopen the old well casing which is lost to a degree that a liner cannot be slipped in, the well will be sealed and a neighboring well will be drilled.

Stating from personal experience, Commissioner Nishida stated that by not grouting a well, problems could arise simply because of accidents. In the long run, he felt that the community ends up paying by not having precautionary measures taken when they can be taken.

MOTION: (NOBRIGA/RICHARDS)

To approve the submittal as amended.

APPROVED AS AMENDED WITH 1 OPPOSITION (NISHIDA).

This meeting was adjourned at 11:05 am.

Respectfully submitted,

FAITH F. CHING  
Secretary

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA  
Deputy Director